

Act No. 216
Public Acts of 2016
Approved by the Governor
June 21, 2016
Filed with the Secretary of State
June 22, 2016
EFFECTIVE DATE: September 20, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Reps. Whiteford, Barrett, Poleski, Inman, Howell, Glardon and Cole

ENROLLED HOUSE BILL No. 5548

AN ACT to amend 1911 PA 235, entitled “An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts,” by amending section 1 (MCL 35.801), as amended by 2003 PA 290.

The People of the State of Michigan enact:

Sec. 1. (1) Except as otherwise provided under subsection (2), if a veteran as defined in section 1 of 1965 PA 190, MCL 35.61, who is discharged under honorable conditions after serving not less than 90 days of active service, or who is discharged under honorable conditions after serving less than 90 days of active service because of a service-connected disability, or the spouse or surviving spouse of a veteran described in this subsection dies possessed of an estate, both real and personal, not exceeding the sum of \$25,000.00, over and above all encumbrances and was a resident of this state at the time of death and a resident of this state for a period of 6 months before entering the service or for a period of 3 years immediately before death, the county board of commissioners or the board of county auditors, upon application by the executor or administrator of the estate of the deceased person, or by the person who incurred or advanced expenses in connection with the burial of the honorably discharged member of the armed forces, or the spouse of the honorably discharged member of the armed forces, shall pay to the estate of the deceased person, or to the person who incurred or advanced the burial expense, the sum of \$300.00. If the investigation provided for in section 2 shows that the deceased did not leave a dependent surviving, but did leave an estate sufficient to meet lawful claims, including burial expenses, then the county board of commissioners or the board of county auditors shall not pay the expenses. The application shall be submitted within 2 years after the date of death of the deceased person.

(2) Beginning February 7, 2004, the estate limit provided for under subsection (1) shall be \$40,000.00. This subsection does not apply to a county if the county board of commissioners passes a resolution by majority vote that exempts the county from the requirements of this subsection.

(3) If a county makes an election under subsection (2), the county shall file a copy of the resolution with the department of technology, management, and budget. The department of technology, management, and budget shall report not less than annually to the legislature which counties, if any, have made an election under subsection (2).

(4) As used in this act, “service” means service in the armed forces of the United States during a period of war as described in 38 CFR 3.2, except that for purposes of this subsection, “period of war” for the Vietnam era means the following:

(a) February 28, 1961 through May 7, 1975 for a veteran who served during that period.

(b) On or after January 31, 1955 in an area of hazardous duty for which the veteran received an Armed Forces Expeditionary Medal or Vietnam Service Medal.

(5) As used in this section:

(a) "Estate" means the ownership of real or personal property at the time of death, the title to which was held either in the sole name of the decedent or by the entirety, tenancy in common, or joint tenancy with the spouse, child, or parent of the decedent, but does not include real property owned by the decedent as the homestead of the decedent.

(b) "Homestead" means a dwelling or a unit in a multiple unit dwelling and includes a mobile home or trailer coach.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5332 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor